

### **Amendments to the Specification**

Please replace the abstract with the following amended abstract:

A method is provided for transferring a set of data over a network by monitoring the level of actual bandwidth utilization. In one embodiment, the method includes identifying a maximum monitored level of actual utilization and calculating a size for data blocks to be transferred as a function of the maximum monitored level of utilization. The data blocks represent a segment of a set of data, such as a software update that may be transferred or downloaded over the network without interfering with other network activity at the network interface. The size of the data blocks are bounded by a maximum and minimum threshold value. Computed block sizes allow effective utilization of the network bandwidth while also allowing an adaptation that supports a degree of responsiveness both on fast and slow networks.